

REMARKS

Applicants respectfully request favorable reconsideration of this application.

As a preliminary matter, it appears that a number of the documents submitted by Information Disclosure Statement have been misplaced by the Office. Applicants are preparing replacement copies of the documents indicated to be missing on the return copy Form PTO-1449. The copies will be submitted under separate cover.

In the outstanding Office Action, all claims under consideration were rejected, either solely or primarily, based upon Bjork et al., "One-dimensional Steeplechase for Electrons Realized," Nano Letters, Vol. 2, No. 2, January 19, 2002, pp. 87-89. Reconsideration and withdrawal of the rejection are respectfully requested.

The present application claims the benefit of two prior provisional applications, the earlier being Application No. 60/393,835 filed July 8, 2002. The claims rejected in the outstanding Office Action are supported by the '835 application and are therefore entitled to the benefit of the filing date of the '835 application. Thus, the effective filing date of the claims is less than one year after the publication of the Bjork et al. article, which consequently is not available as a reference under 35 U.S.C. § 102(b).

It is recognized that the claim for benefit of the '835 application does not negate the availability of the Bjork et al. article as a reference under 35 U.S.C. § 102(a).

Accordingly, submitted herewith is a Declaration of Lars Ivar Samuelson and Bjorn Jonas Ohlsson, the named inventors of the instant application, under 37 C.F.R. § 1.132. The Declaration is effective to disqualify the Bjork et al. article as a reference under 35 U.S.C. § 102(a). See M.P.E.P. § 715.01(c). Additionally, for the sake of expedience, the Declaration also addresses the article entitled "One-dimensional heterostructures in semiconductor nanowhiskers", *Applied Physics Letters*, Vol. 80, No. 6, February 11, 2002, pp. 1058-1060, also by Bjork et al. and of record (but not applied).

In view of Applicants' claim for benefit of the '835 provisional application, and the accompanying Declaration, it is respectfully requested that the outstanding rejections be withdrawn.

An early Notice of Allowance is respectfully solicited.

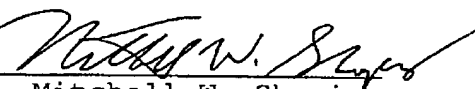
The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this

paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

MWS:sjk

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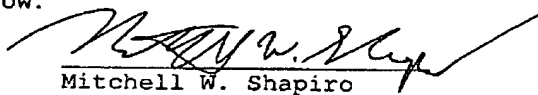
By:   
Mitchell W. Shapiro  
Reg. No. 31,568

September 8, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response and the Declaration referenced therein are being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

September 8, 2005  
Date

  
Mitchell W. Shapiro